

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER CARSON SMITH,

Plaintiff,

Civil Action No. 23-11067

Honorable Jonathan J.C. Grey

v.

CHAD E. MARKWELL, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF
No. 39) AND DENYING MOTION TO DISMISS AND TO
TRANSFER VENUE (ECF No. 17)**

Pro se plaintiff Christopher Carson Smith filed this 42 U.S.C. § 1983 lawsuit against defendants Connie D. Lester, Magen Oaks, Nathan Mikel, and others, regarding his “prisoner advance directive – do not resuscitate order.” (ECF No. 1, PageID.8–13.) This matter comes before the Court on Magistrate Judge Anthony P. Patti’s Report and Recommendation dated February 12, 2024. (ECF No. 39.) In the Report and Recommendation, the Magistrate Judge recommends that the Court deny the motion to dismiss and to transfer venue filed by defendants Lester, Oaks, and Mikel (ECF No. 17). (*Id.*) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated February 12, 2024 (ECF No. 39) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the motion to dismiss and to transfer venue filed by defendants Lester, Oaks, and Mikel (ECF No. 17) is **DENIED**.

SO ORDERED.

Dated: March 14, 2024

s/Jonathan J.C. Grey
JONATHAN J.C. GREY
UNITED STATES DISTRICT JUDGE

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 14, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager